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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,363	09/13/2001	Toru Iwakawa	Q65398	4514

7590 12/22/2003

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EXAMINER
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KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/936,363

Applicant(s)

IWAKAWA, TORU

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Upon further consideration of the arguments presented in the appeal brief of paper no. 16, the finality of the previous office action is withdrawn and a new action on the merits is presented below.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the twisted section of the reinforcing holder must be shown or the feature(s) canceled from the claim(s). The drawings appear to have a straight, angled bend line, not a "twist". No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

Claims 1 and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1 and 13, the language between

the preamble and certain portions of the body of the claim is inconsistent. The preamble of claims 1 and 13 set forth the subcombination a reinforcing holder. However, the claim then recites a building which sets forth a positive relation between the holder and the building appearing to claim a combination. If the applicant intends to claim the combination, then the preamble must be amended to clearly reflect this.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,214,410 to Mitsueda in view of U.S. Patent No. 1,859,105 to Munro further in view of U.S. Patent No. 2,049,555 to Zaparka.

Regarding claims 1, 13 and 14, Mitsueda discloses an earthquake resistant mobile home having a leaf spring vibration damper (fig. 2: 50). However, Mitsueda does not disclose a vibration dampener having bent ends and absorbing members. Munro discloses an anti vibration spring comprised of twisted and bent forms of a plate.

Munro also discloses the spring being secured to a structure (fig. 2) by a sound deadening material (fig. 2: 5, line 89). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitsueda by adding the vibration dampening system disclosed by Munro in order to dampen sounds from any earthquakes. However, Munro does not specifically disclose the material as being rubber. Zaparka discloses a vibration dampening spring (fig. 2) secured to a structure by use of rubber mounts (fig. 2: 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitsueda in view of Munro by using rubber as disclosed by Zaparka to create a better sound deadening and resilient connection to the structure and to better resist weather damage.

Regarding claim 2, Mitsueda in view of Munro discloses the spring as being bent outward at least twice in the vicinity of the intermediate part of the spring (fig. 2: 13).

Regarding claim 3, Munro discloses the middle, intermediate are of the spring, as being curved outward (fig. 1).

Regarding claims 4, 6 and 7, Mitsueda in view of Munro does not disclose a cushion round in the center of the reinforcing base member which secures the spring to the structure. However, Zaparka discloses a cushion round at the center of the reinforcing base member (fig. 2: 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Munro by adding the cushion round disclosed by Zaparka in order to help dampen vibrations transmitted through the spring.

Regarding claims 5 and 8-12, Mitsueda in view of Munro does not specifically claim the use of high tension steel. However, high tension steel is commonly used in the production of heavy duty springs and it would have been obvious to one skilled in the art to produce a heavy duty spring using high tension steel.

Regarding claim 15, Munro discloses an absorbing member fixed to a first portion (fig. 2: 4).

Regarding claim 16, Munro discloses a cushion in the approximate center (fig. 2: 15).

Regarding claims 17 and 18, Munro discloses a curved, outward and swollen intermediate portion (fig. 2: between component 15).

### ***Response to Arguments***

Applicant's arguments filed 5/1/03 have been fully considered but are moot under new grounds of rejections.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to vibration dampeners in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is

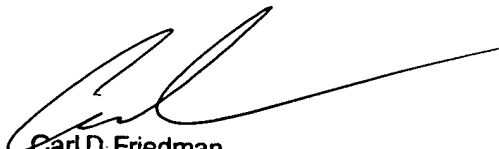
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(703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK 

11/24/03

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600